

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:

Case Nos.:

17-cv-00288 (*Bradford v. 3M Co., et al.*)
17-cv-01476 (*Behney v. 3M Co., et al.*)
17-cv-01554 (*Dorsey v. 3M Company*)
17-cv-01565 (*Little v. 3M Company*)
17-cv-01968 (*Jordan v. 3M Co., et al.*)
17-cv-02372 (*Hufford v. 3M Company*)
17-cv-02737 (*Witherspoon v. 3M Co., et al.*)
17-cv-02758 (*Jones v. 3M Co., et al.*)
17-cv-03543 (*Hughes v. 3M Co., et al.*)
17-cv-04068 (*Johnson v. 3M Co., et al.*)
17-cv-04637 (*Mackey v. 3M Co., et al.*)
17-cv-04642 (*Smith v. 3M Co., et al.*)
17-cv-04651 (*Knight v. 3M Co., et al.*)
17-cv-04652 (*Leaf v. 3M Co., et al.*)
17-cv-04775 (*Reinhardt v. 3M Co., et al.*)
17-cv-04881 (*Potter v. 3M Co., et al.*)
17-cv-04885 (*McEvoy v. 3M Co., et al.*)
17-cv-04889 (*Thornton v. 3M Co., et al.*)

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY
WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare, Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:17-cv-00288-JNE-FLN	Bradford	The Law Offices of Travis R. Walker, P.A.
0:17-cv-01476-JNE-FLN	Behney	Kennedy Hodges, L.L.P.
0:17-cv-01554-JNE-FLN	Dorsey	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01565-JNE-FLN	Little	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A..
0:17-cv-01968-JNE-FLN	Jordan	Kennedy Hodges, L.L.P.
0:17-cv-02372-JNE-FLN	Hufford	Gustafson Gluek, P.L.L.P.
0:17-cv-02737-JNE-FLN	Witherspoon	Brown & Crouppen, P.C.
0:17-cv-02758-JNE-FLN	Jones	Kennedy Hodges, L.L.P.
0:17-cv-03543-JNE-FLN	Hughes	Kennedy Hodges, L.L.P.
0:17-cv-04068-JNE-FLN	Johnson	Kennedy Hodges, L.L.P.
0:17-cv-04637-JNE-FLN	Mackey	Bernstein Liebhard LLP
0:17-cv-04642-JNE-FLN	Smith	The Miller Firm, LLC
0:17-cv-04651-JNE-FLN	Knight	Kirtland & Packard LLP
0:17-cv-04652-JNE-FLN	Leaf	Kirtland & Packard LLP
0:17-cv-04775-JNE-FLN	Reinhardt	Bernstein Liebhard LLP
0:17-cv-04881-JNE-FLN	Potter	Bernstein Liebhard LLP
0:17-cv-04885-JNE-FLN	McEvoy	Bernstein Liebhard LLP
0:17-cv-04889-JNE-FLN	Thornton	Bernstein Liebhard LLP

As set forth in Defendants’ Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet (“PFS”) compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants’ first and/or second deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants’ third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is

therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: April 5, 2018

Respectfully submitted,

s/Benjamin W. Hulse

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